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AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Charles J. Stouffer et al Art Unit : 3727
Serial No. : 09/434,507 Examiner : Nathan Jeffrey Newhouse
Filed : November 5, 1999
Title : HIGH PRESSURE ISOSTATIC PRESSURE BONDING OF HOLLOW
BERYLLIUM PRESSURE VESSELS USING A BONDING FLANGE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO OFFICE COMMUNICATION OF JULY 11, 2005

In reply to the Office Communication of July 11, 2005, applicant provides the following comments.

The Examiner issued the Office Communication in response to the Remand dated October 23, 2003. In the Office Communication, the Examiner cites U.S. Patent No. 6,264,095 (Stouffer) as showing "diffusion bonding" and indicates that a rejection combining Gieser and Stouffer would somehow be proper if "it is found that the Gieser reference does not anticipate or obviate the claims." However, any such rejection would not be proper because Stouffer is not a reference upon which a proper rejection under 35 U.S.C. §103(a) can be made. Under 35 U.S.C. §102(e) [which is incorporated into 35 U.S.C. §103(a)], only an invention that was described in an application published or a patent granted by another filed in the United States before the date of invention by the applicant can qualify as prior art. Applicant's date of invention is July 14, 1999, the filing date of U.S. Provisional Application No. 60/143,916, from which the pending application claims priority. Stouffer was filed in the United States on July 14, 1999, which is not before July 14, 1999 (the date of invention by applicant).

Applicant notes that the Board specifically requested that the Examiner address the apparent inconsistency in Gieser's disclosure regarding welding. However, to date, the Examiner has still failed to address this apparent inconsistency. For this reason, and the reasons stated in the Appeal Brief and the Reply filed on April 7, 2004, the Examiner has still failed to show that diffusion bonding is found in Gieser. Accordingly, Applicant submits that the final rejection should be reversed.

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Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: August 11, 2005

/Diana DiBerardino/

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